



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ENHANCED VARIANTS OF ERYTHROPOIETIN AND METHODS OF USE**, the specification of which

_____ is attached hereto as Attorney Client-Matter No. _____).

X was filed on November 7, 2003
as Application Serial No. 10/705,217
(Attorney Client-Matter No. 66663-066)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

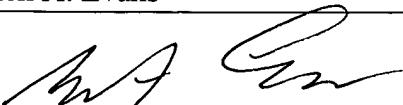
Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

Inventors: Evans et al.
Serial No.: 10/705,217
Filed: November 7, 2003
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United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Glen A. Evans



Inventor's signature: 

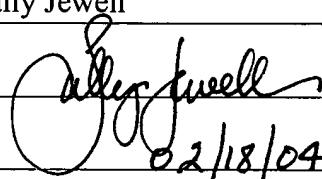
Date: Feb. 16, 2004

Residence: San Marcos, California

Citizenship: United States

Mailing Address: 1652 Via Cancion
San Marcos, CA 92069

Full name of second inventor: Sally Jewell


02/18/04

Inventor's signature: 

Date: 02/18/04

Residence: La Jolla, California

Citizenship: Australia

Mailing Address: 562 Arenas Street
La Jolla, CA 92037

Inventors: Evans et al.
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Full name of third inventor: Mark Ware

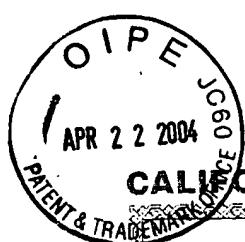
Inventor's signature: M. d. Ware

Date: 2/18/04

Residence: San Diego, California

Citizenship: United Kingdom

Mailing Address: 4647 Torrey Circle
San Diego, CA 92130



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

} ss.

On 2/18/04, before me, Michael P. Anderson, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Glen A. Evans

Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Michael P. Anderson

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

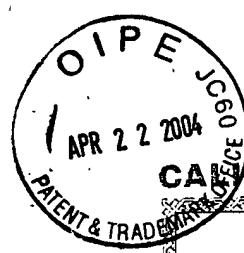
Signer's Name: _____

RIGHT THUMBRINT
OF SIGNER

Top of thumb here

Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

} ss.

On 2/18/04, before me, Michael P. Anderson, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Sally Nicole Jewell

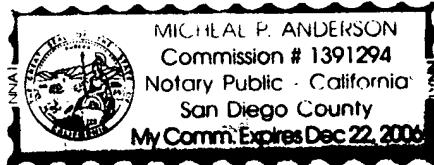
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory
evidence

to be the person(s) whose name(s) is/are
subscribed to the within instrument and
acknowledged to me that he/she/they executed
the same in his/her/their authorized
capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s)
acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public



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Capacity(ies) Claimed by Signer

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing: _____



APR 22 2004

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

ss.

On 2/18/04 Datebefore me, Michael P. Anderson, Notary Public

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Mark Anthony Ware

Name(s) of Signer(s)

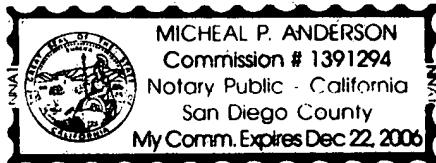
personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) Ware subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above



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Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer Is Representing: _____



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee EGEA BIOSCIENCES, INC. is the owner of the entire right, title and interest of U.S. Patent Application

Serial No. 10/705,217, filed on November 7, 2003, as attorney docket number 66663-066, and entitled **ENHANCED VARIANTS OF ERYTHROPOIETIN AND METHODS OF USE**,

and any subsequently filed divisional, continuation, or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:

CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; ANDREA L. GASHLER, Registration No. 41,029; DEBORAH L. CADENA, Registration No. 44,048; ASTRID R. SPAIN, Registration No. 47,956; and PAMELA M. GUY, Registration No. 51,228.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
McDERMOTT, WILL & EMERY
4370 La Jolla Village Drive, Suite 700
San Diego, California 92122

The undersigned is authorized to sign on behalf of the Assignee.

Signature:

Name (typed): Glen A. Evans

Title: Chief Executive Officer

Assignee: EGEA BIOSCIENCES, INC.

Date:



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: ENHANCED VARIANTS OF ERYTHROPOIETIN AND
METHODS OF USE
Application Ser. No.: 10/705,217
Filed: November 7, 2003
Inventor(s): Evans et al.
Attorney Client-Matter No.: 66663-066

EGEA BIOSCIENCES, INC., a Corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: Feb. 18, 2004

Signature:

Name: Glen A. Evans

Title: Chief Executive Officer

COPY

ASSIGNMENT

This Assignment is made by Glen A. Evans of San Marcos, California, Sally Jewell of La Jolla, California, and Mark Ware of San Diego, California, Assignors, to Egea Biosciences Inc., Assignee, having a place of business at 6759 Mesa Ridge Road, Suite 100, San Diego, California 92121.

WHEREAS, Assignors have invented a new and useful **ENHANCED VARIANTS OF ERYTHROPOIETIN AND METHODS OF USE** for which an application for United States Letters Patent was filed on November 7, 2003, in the United States Patent and Trademark Office, bearing Serial No. 10/705,217 and identified as Attorney Client-Matter No: 66663-066;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the

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execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

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IN WITNESS WHEREOF, Assignors have executed this Assignment on the date(s) provided below.

Assignor: Glen A. Evans



Signature
Date *Feb. 18, 2004*

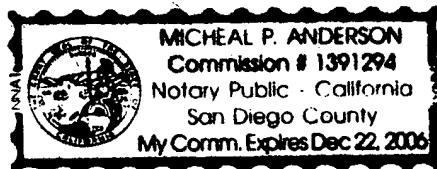
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

On 2/18/04, 2004, before me, Micheal P. Anderson, Notary Public personally appeared Glen A. Evans, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS by hand and official seal.



(Signature of Notary)



Inventors: Evans et al.
Serial No.: 10/705,217
Filed: November 7, 2003
Page 4

Assignor: Sally Jewell

Signature
Date

02/18/04

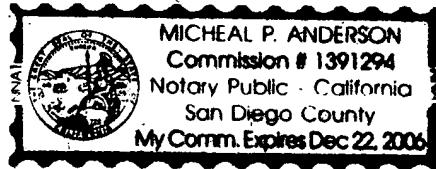
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WITNESS by hand and official seal.

Michael P. Anderson

(Signature of Notary)



Inventors: Evans et al.
Serial No.: 10/705,217
Filed: November 7, 2003
Page 5

Assignor: Mark Ware

M. C. Ware

Signature

Date 2/18/04

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

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WITNESS by hand and official seal.

Michael P. Anderson

(Signature of Notary)

